

CIRCUIT COURT STATE OF MARYLAND

FOR BALTIMORE CITY

24-C-21-003724

John C. Boland
Plaintiff, Pro se
714 Saint Johns Road
Baltimore MD 21210-2134
(443) 377-4552
johncboland@verizon.net

v.

Amazon.com Sales Inc.
410 Terry Avenue North
Seattle, WA 98109
c/o
CSC-Lawyers Incorporating Service Company
7 Saint Paul Street Suite 820
Baltimore, MD 21202
(800) 927-9800

CASE NO. MLSC

2021.11.15
Case: 24-C-21-003724
CV File New
RIF-New Case
CASE NO. MLSC
TOTAL

Receipt #202100015010
Cashier: LGC-000001015
08/30/21 3:10pm

COMPLAINT

JURISDICTION

Plaintiff John C. Boland is a resident of Baltimore City, Maryland. Defendant Amazon.com Sales Inc. has conducted business in Baltimore City during all times covered in this Complaint, owns physical business property in Baltimore City, holds Foreign Corporation Qualification under Title 7 of the Corporations and

Associations Article of the Annotated Code of Maryland, to do intrastate, interstate and foreign business as a foreign Corporation in the State of Maryland, and is represented by a registered agent, CSC-Lawyers Incorporating Service Company, 7 Saint Paul Street Suite 820, Baltimore, MD 21202. The action is brought pursuant to Maryland Code Title 13-301 (1), (3), (9-i, 9-iii); 13-302; 13-403; 13-408; 14-902, and under intellectual property laws recognized by Maryland courts. The Circuit Court for Baltimore City has jurisdiction.

CAUSE OF ACTION

Plaintiff alleges on knowledge and belief as follows:

1. Defendant Amazon has breached its publishing services agreement with Plaintiff as follows: Since about April 24, 2021, Defendant has knowingly permitted certain third-party sellers on its sales platform to make use in a fraudulent scheme, without Plaintiff's permission and over Plaintiff's repeated objections, of at least 16 book titles to which Plaintiff owns full copyright and/or publishing rights and related business property rights. The Defendant's actions violate its written representation that users of its Kindle publishing service will "keep control" of their intellectual property and business property rights. The fraudulent scheme consists of third-part sellers' offering to sell nonexistent editions of Plaintiff's books—falsely described as being from the

17th, 18th and 19th centuries—at prices of as much as 100 times the prices available for legitimate editions lawfully published by the Plaintiff. Plaintiff has listed the fraudulent editions of Plaintiff's property currently offered by the third-party sellers as Exhibit 1 and incorporates the exhibit as allegations of fact into this first cause of action. Plaintiff alleges that each fraudulent edition as well as each listing of such an edition by multiple third-party sellers is a separate breach by Defendant Amazon of its contract with Plaintiff.

2. Plaintiff repeats and incorporates the allegations in Paragraph 1. Defendant Amazon has benefitted economically from the fraudulent scheme, earning unjust enrichment at Plaintiff's expense, by collecting listing fees and sales-related fees from the third-party sellers engaged in the fraudulent scheme.

3. Plaintiff repeats and incorporates the allegations in Paragraphs 1 and 2.

Defendant Amazon has harmed Plaintiff by permitting unauthorized use of the Plaintiff's trademarked business name, unauthorized use of Plaintiff's personal name, unauthorized use of trade dress including proprietary images and sales language, unauthorized expropriation of Plaintiff's commercial and professional goodwill, the sowing of confusion into the marketplace for Plaintiff's authentic titles, and consequent obstruction of Plaintiff's legitimate book sales and income.

4. Plaintiff repeats and incorporates the allegations in Paragraphs 1 through 3.

Amazon has breached its duty of fair dealing under its publishing contract with Plaintiff.

5. Plaintiff repeats and incorporates the allegations in Paragraphs 1 through 4.

Amazon has acted with full knowledge of the third-party sellers' fraudulent actions since at least about April 24, 2021, when it received a written complaint from Plaintiff. Plaintiff alleges that since about April 24, 2021, Defendant's actions have been willful.

6. Plaintiff repeats and incorporates the allegations in Paragraphs 1 through 5.

Plaintiff alleges that Amazon holds full legal and de facto control over all third-party sellers' access to and use of its sales platform, including control over sellers' business conduct on the site. Plaintiff alleges that since at least about April 24, 2021, the fraudulent actions by the third-party sellers have been carried out with Amazon's consent.

7. Plaintiff repeats and incorporates the allegations in Paragraphs 1 through 6.

Plaintiff alleges it has been injured through no fault of its own by Amazon's imposing an unsought and undesirable association (by name, images and other identifying characteristics) with the third-party sellers' fraudulent actions, which violate clauses of Maryland Title 13 consumer protection laws, as well as Maryland Title 14-902 (a) prohibiting "a statement containing a

representation of fact that the person knows, or by the exercise of reasonable care should know, to be untrue, deceptive, or misleading. . .” and parts of 14-2903.

8. Plaintiff repeats and incorporates the allegations in Paragraphs 1 through 7. Plaintiff alleges that each title that Amazon permits to be used in sellers’ scheme falsely identifies the false edition as published by Plaintiff’s trademarked business, Perfect Crime Books, and that each such false identification is a separate injury under each of the theories described in Paragraphs 1 through 7.
9. Plaintiff repeats and incorporates the allegations in Paragraphs 1 through 8. In addition, in more than 25 instances (cited in Exhibit 1), the fraudulent listings that Amazon permits (and profits from) identify the Plaintiff, the natural person John C. Boland, as author of a non-existent edition. In at least one fraudulent listing, sellers list a pseudonym of the Plaintiff, James L. Ross, as author. Plaintiff alleges each such instance as a separate personal injury under each of the theories described in Paragraphs 1 through 8.
10. Plaintiff repeats and incorporates the allegations in Paragraphs 1 through 9. Plaintiff alleges in addition as follows: that each fraudulent listing which Defendant Amazon has permitted that employed the authorial name John C. Boland or James L. Ross and falsely asserted a publication date of a work

prior to the actual publication date (e.g., “January 1, 1857” for Plaintiff’s 2011 novel *Hominid*) defames Plaintiff through creating the logically unavoidable and false inference that Plaintiff has stolen some earlier author’s work and republished it in a new edition.

RELIEF SOUGHT

1. Plaintiff asks the Court to issue an order compelling Defendant to ban third-party sellers from offering for sale fraudulent editions of those books identified in Exhibit 1 to which (a) Plaintiff demonstrates economic or other property rights, and (b) the sellers’ claims that the specified editions exist are found by the trier of fact to be false.
2. Plaintiff asks the Court to award appropriate monetary damages in connection with Defendant’s role in tortious behavior as alleged in Counts 1 through 9, including all listing fees, referral fees and other income it received as a result of listings or sales of fraudulent editions identified in Exhibit 1(a through p).
3. Plaintiff asks the Court to award appropriate monetary damages against Defendant for the defamation alleged in Cause of Action Paragraph 10 if the trier of fact determines that the alleged defamatory inference is indeed logically unavoidable.

4. Plaintiff asks the Court to award costs of this action to Plaintiff on the ground that Defendant maintained its tortious and indefensible conduct after multiple notices (akin to an award under 1-341 for an action maintained in bad faith).

EXHIBIT 1

Exhibit 1 is a list of all books identified by Plaintiff (a) to which Plaintiff owns economic rights including publishing rights, and (b) of which third-party sellers on Amazon are offering or have recently offered false, fraudulent, nonexistent editions. All seller prices have been rounded down to whole dollars.

Ex 1.a

Intellectual/Business Property: **Hominid, a novel. Author: John C.**

Boland. ISBN 9781935797166. Publisher: Perfect Crime Books. Published in 2011. List price \$15

Fraudulent listings on Amazon as of August 10, 2021:

“January 1, 1857” nonexistent edition offered:

at \$549 by Old Yeller Books, 14902 Preston Rd Dallas TX 75254

“January 1, 1816” nonexistent edition offered:

at \$56 by Turning New Leaf, 3400 Coit Road Plano TX 75075

at \$56 by Lucky's Books, purportedly a foreign seller

at \$81 by Open Range Media, 1206 Apollo Road Richardson TX 75085

at \$81 by Knowledge Cat, 1206 Apollo Road Richardson TX 75085

at \$81 by Libramedia, 2901 W Parker Rd # 865018 Plano TX 75023-8019

"January 1, 1602" nonexistent edition offered:

at \$907 by Sandy Dunes Surplus, 6333 East Mockingbird Lane Dallas
Texas 75214

at \$930 by Rock Mountain Books, 433 Belle Grove Richardson Texas
75083

at \$987 by Open Range Media, 1206 Apollo Road Richardson TX 75085

Ex 1.b

Intellectual/Business Property: Touch of the Sun, a novel. Author: John

C. Boland. ISBN 9781935797722. Publisher: Perfect Crime Books.

Published in 2014. List price \$9

Fraudulent listings on Amazon as of August 11, 2021:

"January 1, 1874" nonexistent edition offered:

at \$902 by Knowledge Pond, 5955 Alpha Road Dallas TX 75240

at \$644 by Peace of Mind Books, 2523 Product Court Rochester Hills MI 48309

at \$934 by Turning New Leaf, 3400 Coit Road Plano TX 75075

at \$741 by Insights Library, 1000 West Walnut Street Garland TX 75040

at \$965 by Old Yeller Books, 14902 Preston Rd Dallas TX 75254

Ex 1.c

Intellectual/Business Property: **Last Island South, a novel. Author: John**

C. Boland. ISBN 9780982515785. Publisher: Perfect Crime Books.

Published 2009. List price \$10

Fraudulent listings on Amazon as of August 11, 2021:

Undated nonexistent “mass market paperback” offered:

at \$494 by Frog Creek Media, 2334 W. Buckingham Rd Garland TX 75042

at \$28 by Diana Toy Store, 8 Oak Lane East Stroudsburg PA 18301

at \$28 by Library Resale Associates, 13901 Midway Road Farmers Branch TX 75244

at \$21 by Rock Provider, 1 Liberty Plaza 3rd Floor New York NY 10006

Ex 1.d

Intellectual/Business Property: **The Man Who Knew Brecht, a novel.**

Author: John C. Boland. ISBN 9781935797326. Publisher: Perfect Crime Books. Published 2012. List price \$9

Fraudulent listings on Amazon as of August 11, 2021:

“January 1, 1900” nonexistent edition offered:

at \$902 by Knowledge Pond, 5955 Alpha Road Dallas TX 75240

at \$954 by Turning New Leaf, 3400 Coit Road Plano TX 75075

at \$985 by Knowledge Cat, 1206 Apollo Road Richardson TX 75085

at \$86 by Sandy Dunes Surplus, 6333 East Mockingbird Lane Dallas Texas
75214

at \$90 by Peace Angel, purportedly in China

at \$86 by Book Star!, purportedly in China

Unidentified edition is offered:

at \$987 by Open Range Media, 1206 Apollo Road Richardson TX 75085

Ex 1.e

Intellectual/Business Property: **Death in Jerusalem, a novel. Author:**

John C. Boland. ISBN 9781935797685. Publisher: Perfect Crime Books.

Published 2016. List price \$9

Fraudulent listings on Amazon as of August 11, 2021:

“January 1, 1857” nonexistent “mass market paperback” edition offered:

at \$32 by Old Yeller Books, 14902 Preston Rd Dallas TX 75254

at \$32 by Insights Library, 1000 West Walnut Street Garland TX 75040

Ex 1.f

Intellectual/Business Property: **Rich Man’s Blood, a novel. Author: John**

C. Boland. ISBN 9781935797647. Publisher: Perfect Crime Books.

Published 2014. List price \$7

Fraudulent listings on Amazon as of August 11, 2021:

Unidentified edition:

at \$902 by Knowledge Pond, 5955 Alpha Road Dallas TX 75240

at \$1,008 by Gemstone Wisdom, 4475 Trinity Mills Road Box 703284

Dallas TX 72587

Ex 1.g

Intellectual/Business Property: **Death in Budapest, a novel. Author:**

James L. Ross. ISBN 9781935797173. Publisher: Perfect Crime Books.

Published 2012. List price \$8

Fraudulent listings on Amazon as of August 11, 2021:

Unidentified edition:

at \$978 by AllPro Books, 8624 Ferguson Road Dallas TX 75228

Ex 1.h

Intellectual/Business Property: **The Last Crimes of Charles Mistinguett,**

a novel. Author: James L. Ross. ISBN 9781935797463. Publisher:

Perfect Crime Books. Published 2013. List price \$9

Fraudulent listings on Amazon as of August 11, 2021:

“January 1, 1857” nonexistent “mass market paperback” edition offered:

at \$43 by Lucky’s Books 20, purportedly a foreign seller

Ex 1.i

Intellectual/Business Property: **Blood Relations: The Selected Letters of**

Ellery Queen, 1947-50. Editor: Joseph Goodrich. ISBN 9781935797388.

Publisher: Perfect Crime Books. Published 2012. List price \$10

Fraudulent listings on Amazon as of August 11, 2021:

“January 1, 1838” nonexistent “mass market paperback” edition offered:

at \$43 by Open Range Media, 1206 Apollo Road Richardson TX 75085

at \$17 Library Resale Associates, 13901 Midway Road Farmers Branch TX
75244

at \$43 by Treasure Media (aka Bronze Classics), 20170 SW Avery Court
Tualatin OR 97062

at \$18 by Paradis BH, 16202 Barewood Ln Sanford FL 32771

at \$22 by Great American Books and Art, 1200 Jupiter Road Plano TX
75074

at \$43 by Lucky’s Books, purportedly a foreign seller

at \$43 by Black Books Store 16, purportedly a foreign seller

Ex 1.j

Intellectual/Business Property: Ellery Queen: The Art of Detection.

Author: Francis M. Nevins. ISBN 9781935797470. Publisher: Perfect
Crime Books. Published 2013. List price \$14

Fraudulent listings on Amazon as of August 11, 2021:

“January 1, 1847” nonexistent “mass market paperback” edition offered:

at \$78 by Open Range Media, 1206 Apollo Road Richardson TX 75085

at \$78 by Libramedia, 2901 W Parker Rd # 865018 Plano TX 75023-8019

at \$39 by Insights Library, 1000 West Walnut Street Garland TX 75040

at \$31 by Book Star!, purportedly a foreign seller

at \$31 by Lucky's Books 20, purportedly a foreign seller

at \$52 by Lucky's Brooks 20, purportedly a foreign seller

Ex 1.k

Intellectual/Business Property: **Judges & Justice & Lawyers & Law.**

Author: Francis M. Nevins. ISBN 9781935797692. Publisher: Perfect Crime Books. Published 2014. List price \$16

Fraudulent listings on Amazon as of August 11, 2021:

"January 1, 1869" nonexistent edition offered:

at \$84 by Open Range Media, 1206 Apollo Road Richardson TX 75085

at \$84 by Libramedia, 2901 W Parker Rd # 865018 Plano TX 75023-8019

at \$45 by Rock Mountain Books, 433 Belle Grove Richardson Texas 75083

at \$35 by Rock Provider, 1 Liberty Plaza 3rd Floor New York NY 10006

at \$35 by Lucky's Books 20, purportedly a foreign seller

at \$57 by Lucky's Brooks 20, purportedly a foreign seller

Ex 1.1

Intellectual/Business Property: The Shamus Winners, Vol II, 1996-2009.

Editor: Robert J. Randisi. ISBN 9780982515761. Publisher: Perfect

Crime Books. Published 2010. List price \$12

Fraudulent listings on Amazon as of August 11, 2021:

“January 1, 1842” nonexistent edition offered:

at \$920 by Treasure Media (aka Bronze Classics), 20170 SW Avery Ct

Tualatin OR 97062

at \$29 by DiamondintheRough, 11700 Preston Road Dallas Texas 75230

at \$29 by Your Honor, purportedly a foreign seller

“January 1, 1851” nonexistent edition offered:

at \$35 by Texas Book Outlet, 8604 Turtle Creek Boulevard #25278 Dallas

TX 75335

at \$29 by Old Yeller Books, 14902 Preston Rd Dallas TX 75254

at \$56 by Old Yeller Books, 14902 Preston Rd Dallas TX 75254 [must be a

nicer imaginary copy]

at \$29 by Your Honor, purportedly a foreign seller

at \$30 by Welsch (aka “Welch”), 31839 Taton Ct Menifee CA 92584

Ex 1.m

Intellectual/Business Property: **The Guilt Edge. Author: Robert J.**

Randisi. ISBN 9780982515730. Publisher: Perfect Crime Books. Published

2010. List price \$10

Fraudulent listings on Amazon as of August 11, 2021:

“January 1, 1839” nonexistent edition offered:

at \$920 by Treasure Media, (aka Bronze Classics), 20170 SW Avery Court

Tualatin OR 97062

at \$978 by AllPro Books, 8624 Ferguson Road Dallas TX 75228

at \$54 by Old Yeller Books, 14902 Preston Rd Dallas TX 75254

at \$21 by Rock Provider, 1 Liberty Plaza 3rd Floor New York NY 10006

at \$21 by Real-World Books, purportedly a foreign seller

“January 1, 1873” nonexistent edition offered:

at \$987 by Open Range Media, 1206 Apollo Road Richardson TX 75085

at \$920 by Treasure Media, (aka Bronze Classics), 20170 SW Avery Ct

Tualatin OR 97062

at \$985 by Old Yeller Books, 14902 Preston Rd Dallas TX 75254

at \$961 by Insights Library, 1000 West Walnut Street Garland TX 75040

at \$930 by Rock Mountain Books, 433 Belle Grove Richardson TX 75083

Ex 1.n

Intellectual/Business Property: **Hollywood and Crime. Editor: Robert J.**

Randisi. ISBN 9781935797678. Publisher: Perfect Crime Books. Published 2015. List price \$10

Fraudulent listings on Amazon as of August 11, 2021:

“January 1, 1656” nonexistent edition offered:

at \$919 by Genius Bookmarks, 15707 Coit Road Dallas TX 75248

at \$902 by Knowledge Pond, 5955 Alpha Road Dallas TX 75240

at \$37 by Sandy Dunes Surplus, 6333 East Mockingbird Lane Dallas Texas 75214

at \$48 by Twin City Rarities, 1112 18th St Plano TX 75074

at \$32 by enlighteninglbd, 17680 Dewitt Ave Morgan Hill CA 95037

“January 1, 1618” nonexistent edition offered:

at \$47 by Twin City Rarities, 1112 18th St Plano TX 75074

at \$1,008 by Gemstone Wisdom, 4475 Trinity Mills Road Box 703284 Dallas TX 75287

at \$961 by Insights Library, 1000 West Walnut Street Garland TX 75040

at \$967 by Liquidators Discount, 5250 Highway 78 Sachse TX 75048

at \$890 by Acme Books, 3416 Enterprise Drive Rowlett TX 75088

at \$61 by Treasure Media, (aka Bronze Classics), 20170 SW Avery Ct
Tualatin OR 97062

“January 1, 1857” nonexistent edition offered:

at \$37 by Knowledge Cat, 1206 Apollo Road Richardson TX 75085

at \$37 by Frog Creek Media, 2334 W. Buckingham Rd Garland TX 75042

at \$37 by Libramedia, 2901 W Parker Rd # 865018 Plano TX 75023-8019

at \$48 by Diana Toy Store, 8 Oak Lane East Stroudsburg PA 18301

at \$37 by Lucky’s Books 20, purportedly foreign

Ex 1.o

Intellectual/Business Property: Promises Made and Broken. Author:

Christine Matthews. ISBN 9781935797555. Publisher: Perfect Crime

Books. Published 2014. List price \$10

Fraudulent listings on Amazon as of August 11, 2021:

“January 1, 1600” nonexistent edition offered:

at \$61 by Libramedia, 2901 W Parker Rd # 865018 Plano TX 75023-8019

at \$34 by enlighteninglbd, 17680 Dewitt Ave Morgan Hill CA 95037

at \$13 by Gemstone Wisdom, 4475 Trinity Mills Road Box 703284 Dallas
TX 75287

at \$13 by Insights Library, 1000 West Walnut Street Garland TX 75040

“January 1, 1855” nonexistent edition offered:

at \$38 by Frog Creek Media, 2334 W. Buckingham Rd Garland TX 75042

at \$32 by Open Range Media, 1206 Apollo Road Richardson TX 75085

at \$27 by Welsch (aka “Welch”), 31839 Taton Ct Menifee CA 92584

Ex 1.p

Intellectual/Business Property: **Noir 13. Author: Ed Gorman.** ISBN

9781466385078. Publisher: Perfect Crime Books. Published 2011. List price \$12

Fraudulent listings on Amazon as of August 11, 2021:

“January 1, 1876” nonexistent edition offered:

at \$961 by Insights Library, 1000 West Walnut Street Garland TX 75040

at \$920 by Treasure Media, (aka Bronze Classics), 20170 SW Avery Ct
Tualatin OR 97062

at \$34 by Knowledge Pond, 5955 Alpha Road Dallas TX 75240

at \$978 AllPro Books, 8624 Ferguson Road Dallas TX 75228

at \$1,002 by Twin City Rarities, 1112 18th St Plano TX 75074

“January 1, 1875” nonexistent edition offered:

at \$930 by Rock Mountain Books, 433 Belle Grove Richardson Texas
75083

at \$801 by Busy Bee Bookstore, 2220 Coit Road Plano TX 75075

at \$961 by Insights Library, 1000 West Walnut Street Garland TX 75040

at \$1,052 by Libramedia, 2901 W Parker Rd # 865018 Plano TX 75023-

8019

Under penalty of perjury, Plaintiff attests to the foregoing on this 30th day of August 2021.

A handwritten signature in black ink, appearing to read "John C. Boland", is written over a horizontal line.

JOHN C. BOLAND

Plaintiff